

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

STEVEN EARL RIDDICK,

Defendant.

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DOCKET NO. 1:05-cr-1067 KMK

JUDGE KARAS

MOTION IN LIMINE #1

Comes now the Defendant, Steven Earl Riddick, by and through his attorney of record and hereby files this motion in limine to prevent the Government from introducing any proof as to the termination of the corporate existence of Steve Riddick Sports Training, Inc. The Defendant would show the Court as follows:

1. On April 25, 2005, Steven Earl Riddick signed in accordance with Virginia law the Articles of Incorporation of his business, Steve Riddick Sports Training, Inc.
2. On or about April 27, 2005, the State Corporation Commission ordered that the Certificate of Incorporation be issued. (See Exhibit "A");
3. From April 27, 2005 throughout the period of the conspiracy alleged in the indictment, Steve Riddick Sports Training, Inc. was a legal Virginia corporation;
4. The Government has provided trial exhibits in which Steve Riddick Sports Training, Inc. corporate status was formally terminated on August 3, 2006 for "failure to file an annual report and pay an annual registration fee..." (See Exhibit "B");
5. Pursuant to Rule 401 of the *Federal Rules of Evidence*, the Defendant submits that such proof is irrelevant to any issue before the Court. The entity was

terminated six months after the indictment in this case. It is not material to any issue before this Court. There is no allegation in which the Government alleges Steve Riddick Sports Training, Inc. was not a lawful corporate entity. Unlike the other Defendants in this case who did set up shell corporations or other corporate entities which were not valid, Steve Riddick Sports Training, Inc had a checking account, had valid Articles of Incorporation and was recognized at all material times by the State of Virginia. Moreover, the entity was profitable and Mr. Riddick deposited monies relevant to training profession athletes in this particular account.

6. In addition, pursuant to Rule 403 of the *Federal Rules of Criminal Procedure*, the unfair prejudice is substantially outweighed by the complete lack of probative value. There is very little probative value in a corporate entities' termination six (6) months after an Indictment. The unfair prejudice is significant given the government's use of other corporations by other defendants that were in fact true shell corporations with no legitimate purpose.
7. Additionally, the Defendant objects and will show unto the Court that he has reorganized and attaches the present Certificate of Incorporation for International Sports Training, Inc., Mr. Riddick's company, which was formed after the termination of Steve Riddick Sports Training, Inc. (See Exhibit "C");
8. By allowing the proof of the termination of Steve Riddick Sports Training, Inc., the Defendant would be required to introduce the proof of opening another business entity under the laws of the State of Virginia, International Sports

Training, Inc. This is confusing, misleading and does not add to any material element.

WHEREFORE PREMISES CONSIDERED, the Defendant submits that any evidence as to the termination of Steve Riddick Sports Training, Inc. should be excluded from the proof in this case.

Respectfully submitted,

DAVIS & HOSS, PC

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

This the 4th day of April, 2007.

s/Bryan H. Hoss